

REMARKS

Claims 1-29 are pending. The restriction requirement dated June 28, 2005 characterizes the claims of Group I as drawn to a high speed envelop transport and packing system and also characterizes the claim of Group II as drawn to high speed envelop transport and packing system. The June 28, 2005 Action justifies the requirement for restriction on the purported ground that such inventions are “related as combination and subcombination.” The analysis in the Action takes claim terms of independent claims 1 and 29 out of context and misconstrues the relationship of the claims.

Applicants submit that contrary to the Examiner’s characterization, independent claim 1 (the “combination”) does in fact require the particulars of independent claim 29 (the “subcombination”) as claimed for patentability. A bending member is disclosed which is configured to control a bend in the open envelope so as to provide access to the interior of the open envelope or until an object is at least partially inserted therein. Accordingly, Inventions I and II are not “related as combination and subcombination” and, therefore, the restriction requirement between these designated groups is improper for at least this reason and should be withdrawn.

Moreover, the Examiner merely repeats a portion of the language of claim 29 to justify that the “subcombination has a utility by itself. Thus, the Examiner has failed to provide any evidence that the subcombination has utility by itself. Therefore, the restriction requirement between these designated groups is improper for at least this reason and should be withdrawn.

Applicants also submit that there is no additional burden on the Examiner to examine claim 29 along with claims 1-28. A prior art search for claims 1-28 is coextensive with the prior

Application No.: 10/823,787

art search of claim 29. Accordingly, there is no increased burden on the Examiner to examine claims 1-29 together. Therefore, reconsideration of the restriction requirement is requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Brian K. Seidleck
Registration No. 51,321

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BKS:idw
Facsimile: 202.756.8087
Date: July 22, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**